

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 11-1945 JB

ROBERTO GONZALEZ,

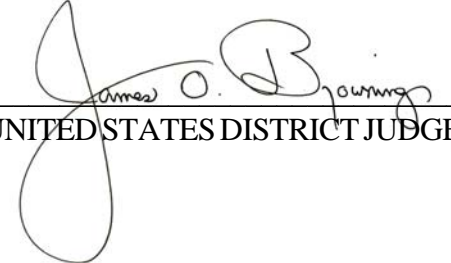
Defendant.

ORDER

THIS MATTER comes before the Court on the Petition for Action on Conditions of Pretrial Release, filed June 1, 2012 (Doc. 46)(“Petition”). United States Pretrial Services’ Officer Kelly L. Logan asserts that Defendant Roberto Gonzalez submitted a urine sample which tested positive for cannabinoids and admitted to smoking marijuana in violation of his conditions of pretrial release. See Petition at 1. The Petition requested that the Court issue a warrant for Gonzalez’ arrest. See Petition at 1. On June 1, 2012 the Court issued an arrest warrant as to Gonzalez. See Warrant for Arrest of Defendant, filed June 1, 2012 (Doc. 48). On June 7, 2012, Gonzalez appeared for the Initial Presentment Hearing before the Honorable Kea W. Riggs, United States Magistrate Judge. See Clerk’s Minutes at 1, filed June 7, 2012 (Doc. 50). On June 8, 2012, the Court’s Courtroom Deputy, K’Aun Wild, contacted Gonzalez’ counsel, Joseph Sib Abraham, Jr., to discuss setting a further hearing on the Petition. Mr. Abraham represented that Gonzalez waived any further proceeding pertaining to the Petition and that he would be filing a waiver reflecting the same. Mr. Abraham stated that Gonzalez’ agreed to begin his 24-month term of incarceration as imposed by the Court at the March 26, 2012 sentencing hearing. Gonzalez later filed the Defendant’s Notice of Waiver of Violate of Pre-Trial Release, filed June 8, 2012 (Doc. 51)(“Waiver”). In his Waiver,

Gonzalez asserts that “he does not wish to contest such violation and desires to commence his term of imprisonment at once.” Waiver at 2. The Court will therefore revoke the pretrial conditions of release and the voluntary-surrender privileges that the Court granted Gonzalez. Because Gonzalez has waived any further hearing on the Petition and will be serving his custodial sentence, the Court finds that the Petition is null and void and that there need not be any further proceedings related to the Petition. Accordingly, the Court finds that: (i) the Petition is null and void; (ii) Gonzalez’ right to self-surrender is revoked; and (iii) Gonzalez is remanded to the custody of the United States Marshals.

IT IS ORDERED that: (i) the Petition for Action on Conditions of Pretrial Release, filed June 1, 2012 (Doc. 46), is null and void; (ii) Defendant Roberto Gonzalez’ right to self-surrender is revoked; and (iii) Gonzalez is remanded to the custody of the United States Marshals.


UNITED STATES DISTRICT JUDGE

Counsel:

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-- and --

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